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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,442	02/19/2004	Charles Phillips	PHILLIPS	5640
156	7590	04/18/2006	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			GRAY, LINDA LAMEY	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/782,442	PHILLIPS, CHARLES
	<b>Examiner</b>	<b>Art Unit</b>
	Linda L. Gray	1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 02 February 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-3 and 5-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-3 and 5-20 is/are allowed.
- 6) Claim(s) 21-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**Detailed Action**

**Claim Rejections - 35 USC 102**

**1.** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**2. Claim 21 is rejected under 35 USC 102(b) as being anticipated by Buchanan (US 4,545,844).**

**Claim 21,** Buchanan teaches a sealed film assembly (i.e., balloon) including the following items:

**(a)** support carrier 13 of a shape-retaining material, such as aluminum,

**(b)** lower film 14 (of web W1) of a flexible material, such as polyethylene more flexible than the carrier, on and in overlapping relationship with carrier 13,

**(c)** upper film 14 (of web W2) of a flexible material, such as polyethylene more flexible than the carrier, on and in overlapping relationship with the lower film 14, and

**(d)** overlapping portions of films 14 and 14 being sealed together to form the assembly while films 14 and 14 are positioned on carrier 13.

**3. Claims 22-23 are rejected under 35 USC 102(b) as being anticipated by Buchanan (US 4,721,491).**

**Claim 22,** Buchanan teaches inflatable assembly 10 including the following items:

**(a)** a pair of overlapping, flexible films (c 1, last para) having portions sealed together to bound an interior,

**(b)** an inlet on the films for admitting gas into the interior (c 2, first full para), and

**(c)** elongated valve 13 11 extending from the inlet into the interior, valve 13 having a remote portion spaced away from the inlet and adhered to one of the films (Fig 1; c 2, to c 3).

**Claim 23**, Buchanan teaches elongated support 16 and/or 22 extending along valve 13 for supporting the films in an erect state on support 16.

**Claim Rejections - 35 USC 103**

**4. Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Rouse (US 3,339,337).**

**Claim 21**, Rouse teaches a sealed film assembly (i.e., balloon) including the following items:

- (a)** a support carrier of a shape-retaining material, such as polyester,
- (b)** lower film 118 of a flexible material, such as polyester, on and in overlapping relationship with the carrier,
- (c)** upper film 116 of a flexible material, such as polyester, on and in overlapping relationship with the film 118, and
- (d)** overlapping portions of films 118 and 116 being sealed together to form the assembly while films 118 and 116 are positioned on the carrier.

*Claim 21, Rouse does not teach a less flexible carrier layer such as heavy paper.*

However, less flexible materials such as heavy paper and metallic layers are conventional materials for the back of an inflatable assembly, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Rouse using a carrier layer of heavy paper or a metallic layer in that it is obvious to replace one material for an inflatable assembly with another art recognized alternative material.

**Allowable Subject Matter**

**5. Claims 1-3 and 5-20 are allowed.**

**6.** The following is a statement of the reasons for the indication of allowable subject matter:

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**claim 1:** Rouse and Buchanan'844 both teach placing the carrier on a conveyor for conveying the carrier past a sealing workstation; however, neither reference teaches a step of removing the sealed film assembly from the carrier after sealing and it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Rouse or Buchanan'844 in that the carrier is part of the final sealed film assembly and is not intended to be separated therefrom, and

**claim 17:** Rouse and Buchanan'844 both teach a conveyor for conveying the carrier past a sealing workstation; however, neither reference teaches a means for removing the sealed film assembly from the carrier and it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Rouse or Buchanan'844 in that the carrier is part of the final sealed film assembly and is not intended to be separated therefrom.

**7.** As allowable subject matter has been indicated, Applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See CFR 1.111(b) and MPEP 707.07(a).

**Response to Applicant's Comments**

**8.** Applicant's comments filed 2-2-06 have been fully considered. With respect to the amendments to claim 21, claim 21 was amended to include the sealed film assembly being removable from the carrier. This limitation refers to an intended action on the claimed product and is not written in such a manner as to provide a structural difference between the claim and that of the applied references to claim 21. In any event, in the applied references to claim 21, one could act upon the sealed film assembly to remove at least part of the carrier therefrom if desired. For claim 22, Buchanan'491 teaches that valve 13 is sealed to one of the films at the last paragraph in column 1.

**Conclusion**

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire

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on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**10.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-1997 (toll-free)

llg  
April 17, 2006

*Linda L Gray*  
LINDA GRAY  
PRIMARY EXAMINER